THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :1110 of 2007

DATED:29-06-2007

BETWEEN:

Kilaru Rajyam.

..... PETITIONER

AND

The Special Deputy Collector,
(Tribal Welfare) Bhadrachalam,
Khammam District & 4 others.

.....RESPONDENTS

ORDER:

Heard learned counsel appearing for the petitioner; learned Government Pleader for Social Welfare; and the learned counsel appearing for the respondents.

2. Petitioner seeks a writ of mandamus declaring the action of the respondents and their subordinates in interfering with the possession and enjoyment of the petitioner in respect of her land to an extent of Ac.10.00 in Sy.No.61/41/3 situated at Somulagudem village, Paloncha mandal, Khammam District without issuing any notice and without conducting any enquiry, as illegal and arbitrary.

3. It is stated that though ejectment orders were passed in the month of July, 1979, possession of the said land was not taken. It is further stated that similar ejectment orders have also been passed in Case No.1090/KGM/79.

4. Learned counsel appearing for the respondents submits that insofar as Case No.1090/KGM/79 on the file of the Special Deputy Collector, Tribal Welfare, Paloncha is concerned, ejectment orders have been passed on
20-06-1983, but in fact, petitioner was evicted only on
09-01-2007 pursuant to the earlier orders under cover of panchanama and an extent of Ac.5.00 in Sy.No.62/173 of

Khammam village was allotted in favour of the 5th petitioner and an extent of Ac.5.00 in Sy.No.62/156 was allotted in favour of the 4th respondent herein. Petitioner seeks relief in respect of Ac.10.00 of the land in Sy.No.61/41/3.

5. Counter has been filed stating that the said land stands in the name of the husband of the petitioner as pattadar as per the village pahani for the year, 2001-2002 at S.No.143 in respect of S.No.62/41/3 of Somulagudem village and the respondents have not at all interfered with the said property.

6. Having regard to the facts and circumstances, I am of the opinion that the petitioner is not entitled for any relief insofar as the land of Ac.5.00 + Ac.5.00 covered by Case Nos.1090 and 1091 in respect of the Sy.Nos.62/173 and 62/156. Accordingly, the relief of the petitioner to set aside the said cases is rejected. Insofar as the relief not to interfere with the predecessors in possession and enjoyment of the petitioner's land in question of an extent of Ac.10.00 in Sy.No.61/41/3 situated at Somulagudem village is concerned, in view of the categorical statement in the counter that the respondents are not at all interfering with the property in question and the name of the petitioner's husband was recorded as pattadar holder, respondents are directed not to interfere with the peaceful possession of the petitioner in respect of the land in respect of Sy.No.61/41/3.

7. Accordingly, the Writ Petition is disposed of. No order as to costs.

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V.ESWARAIAH,J

29th June, 2007.

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